EXHIBIT TT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MANIKANTA PASULA, et al., Plaintiffs, v. U.S. DEPARTMENT OF HOMELAND SECURITY, et al., Defendants.	Case No.

DECLARATION OF DANIEL W. OLDENBURG

I, Daniel W. Oldenburg, make this statement under penalty of perjury of the laws of the United States and if called to testify I could and would do so competently based upon my personal knowledge as follows:

1. I am over eighteen years of age and am fully competent to make this declaration.

2. I am an immigration attorney with over 20 years of experience providing a variety of immigration legal services, including advice and representation to numerous clients regarding the F-1, M-1, and J-1 immigration classifications. I am currently an immigration attorney at Cline, Williams, Wright, Johnson, & Oldfather, a law practice with multiple offices in Colorado and Nebraska. Prior to my current employment, I also worked at the U.S. Immigration and Naturalization Service (INS), the predecessor agency to U.S. Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS). I received my Juris Doctorate from the Creighton University School of Law in 2002, and since that time, I have been an active member of the American Immigration Lawyers Association (AILA).

3. I represent a public school district (the "District") who was seeking to hire an individual (the "Beneficiary") who originally entered the United States on an F-1 visa and who maintained valid F-1 status until he received a notice from his school on April 10, 2025 that ICE had terminated their status in the Student and Exchange Visitor Information System (SEVIS). The reason for the termination, as stated in SEVIS, was "Individual identified in criminal records check and/or has had their visa revoked." However, the Beneficiary has never been convicted of a crime.

4. On March 6, 2025, I submitted a Form I-129 on behalf of the District seeking to classify the Beneficiary as a temporary specialty worker under the H-1B immigration classification. USCIS's approval of Form I-129 would effectuate the Beneficiary's change from F-1 status to H-1B status.

5. The Beneficiary and the District met all the eligibility requirements for changing the Beneficiary's F-1 status to H-1B status. *See* 8 U.S.C. §1184(i).

6. However, on April 18, 2025, USCIS mailed me a Notice of Intent to Deny the District's Form I-129. ***See* Exhibit QQ**. The Notice was sent by an official in USCIS's Service Center Operations Directorate (SCOPS), whose decisions reflect agency-level policy positions (as opposed to decisions issued by one of the regional USCIS service centers).

7. Notice of Intent to Deny is inconsistent with standard USCIS procedure. In matters where the H-1B Beneficiary has failed maintain status, USCIS will normally approve the H-1B petition and deny the change of status request, still permitting the F-1 student to depart the U.S. and process the H-1B visa at a U.S. Embassy/Consulate abroad. The NOID contemplates a denial of the H-1B Petition itself.

8. The reason for USCIS SCOPS's intent to deny the I-129 was that the Beneficiary had failed to maintain his F-1 status. Specifically, the Notice states:

> According to the beneficiary's SEVIS record… their F-1 nonimmigrant status was terminated on April 10, 2025 because of the criminal records check and the revocation of their F-1 visa…. It appears that the beneficiary is not in valid F-1 nonimmigrant status, as such, the request for a change of nonimmigrant status may not be approved….. As such, the beneficiary failed to maintain the beneficiary's nonimmigrant status.

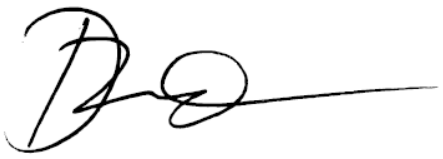
9. In other words, USCIS—a sub-agency of the Department of Homeland Security—is currently taking the position that a termination of someone's record in SEVIS reflects the termination of that person's immigration status (in this case, F-1 status).

10. USCIS's position is consistent with my prior extensive experience with SEVIS records. I know that, among immigration practitioners (including myself) and university officials, SEVIS records are widely understood to be, and treated as, the definitive record of students' immigration status. *See* 9 F.A.M. 402.5-4(B) ("an applicant's SEVIS record is the definitive record of student or exchange visitor status and visa eligibility").

11. I expect that USCIS SCOPS will continue to issue similar Notices of Intent to Deny applications for my future clients who file immigration applications seeking to change immigration status, such as Form I-129.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed, April 23, 2025, in Lincoln, Nebraska



Daniel W. Oldenburg

ility/ViewStudentInfo?studentSearchFlag=true&fm_student_id=YlJTswQNqvLcETKoF-ZfRA_

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Student & Exchange Visitor
nformation System

1-800-892-4829
SEVIS Help Desk

<< Return to **Terminated Status Students (past 18 months)**

Enter SEVIS

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Student Information

F-1 STUDENT
[redacted]

·University - University
Start Date: **August 7, 2022** End Date: **May 11, 2024**

Status **TERMINATED**
Status Change Date **April 10, 2025**
SEVIS ID [redacted]

I-901 Fee Paid

I-20 ISSUE REASON **CONTINUED ATTENDANCE**
TERMINATION REASON **OTHER - Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated.**

Personal / Contact

Gender
MALE
Date of Birth
[redacted]
City of Birth
[redacted]
th
UNITED KINGDOM
Country of Citizenship
UNITED KINGDOM
U.S. Telephone

Foreign Telephone
[redacted]

[redacted]

Address Status
[redacted]
Foreign Address
[redacted]

Overall Remarks

Program

Education Level
MASTER'S
Major 1 and Name
52.0213 - Organizational Leadership
Major 2 and Name
00.0000 - None
Minor and Name
00.0000 - None
Program Start Date
August 7, 2022
Program End Date
May 11, 2024

Registration

Initial Session Start Date
August 22, 2022
Current Session End Date
May 11, 2024
Next Session Start Date

Length of Next Break/Vacation
0
Last Session
Yes
Study/Research Abroad
No

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vis.ice.gov/sevis/action/eligibility/viewEventHistoryData?returnToStudent=true&returnForward=true&eventhistory_business_context=01&studentSearchFlag=true

GENDER	MALE
DOB	
PREFERRED NAME	
PASSPORT NAME	
COUNTRY OF BIRTH	UNITED KINGDOM
CITIZENSHIP	UNITED KINGDOM

[redacted]

Return

Expand All

Search:

Enter the date range and click the button to filter by event date

From: To: Filter

Event Name	Event Date	Resulting Status	Performed By
Portal Updated with SEVIS Changes	04/10/2025 15:07:19	TERMINATED	PORTAL
Manual Data Change	04/10/2025 14:06:28	TERMINATED	SEVIS Maintenance
OPT Actual End Date Updated	04/10/2025 14:06:28	TERMINATED	SEVIS Maintenance
Terminate - User Termination	04/10/2025 14:06:28	TERMINATED	SEVIS Maintenance
Change of Status Pending	03/11/2025 09:00:03	ACTIVE	System Interface
I-20 Reprinted	09/19/2024 15:09:45	ACTIVE	
I-20 Reprint Bulk	09/03/2024 03:15:05	ACTIVE	
Portal Updated with SEVIS Changes	07/18/2024 19:06:01	ACTIVE	PORTAL
OPT Employer Added 10992067 North Platte Public Schools	07/18/2024 18:09:41	ACTIVE	
Address Update - Mailing	07/12/2024 12:55:00	ACTIVE	PORTAL
Address Update - Physical	07/12/2024 12:55:00	ACTIVE	PORTAL
Portal Status: Student Has Account	07/12/2024 12:52:29	ACTIVE	PORTAL
Portal Updated with SEVIS Changes	07/11/2024 05:15:23	ACTIVE	PORTAL
Portal Status: Student Notified To Create Account	07/11/2024 05:15:23	ACTIVE	PORTAL
I-20 Reprinted	05/09/2024 15:51:17	ACTIVE	
I-20 Reprinted	05/09/2024 15:50:49	ACTIVE	
ADIS Arrival	04/26/2024 05:36:42	ACTIVE	System Interface
ADIS Arrival	04/24/2024 08:05:46	ACTIVE	System Interface
OPT Approve for Post-Completion OPT	04/23/2024 10:01:12	ACTIVE	System Interface
ADIS Departure	04/20/2024 05:31:13	ACTIVE	System Interface
I-20 Reprinted	04/19/2024 16:45:03	ACTIVE	
OPT Approve for Post-Completion OPT	04/05/2024 09:36:55	ACTIVE	System Interface
OPT Approve for Post-Completion OPT	04/03/2024 09:00:39	ACTIVE	System Interface
OPT Employment Pending	03/02/2024 09:00:23	ACTIVE	System Interface
[illegible] Reprinted	02/27/2024 14:36:57	ACTIVE	

Search

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